

ORIGINAL**SEALED**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

2014 JAN -6 AM 10:32

DEPUTY CLERK 

UNITED STATES OF AMERICA, <i>et al.</i> , <i>ex rel.</i> TRACY GARSTKA, <i>et al.</i> ,	§	Civil Action No. 3-11-cv-0486-P
Plaintiffs,	§	<u>FILED IN SEALED CASE</u>
v.	§	
MEDTRONIC, INC., d/b/a MEDTRONIC DIABETES, <i>et al.</i> ,	§	
Defendants.	§	

STIPULATION OF DISMISSAL OF STATE SUPPLEMENTAL CLAIMS

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, the states of Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, Virginia, and Wisconsin (collectively referred to as the "States") and the District of Columbia, by and through the undersigned counsel, respectfully notify the Court that the States, the District of Columbia, and Relators hereby stipulate to dismissing the supplemental state law claims asserted in the Civil Action.

The United States, Relators, and the defendant Medtronic entities ("Medtronic") have entered into a settlement agreement ("Federal Settlement Agreement") to resolve federal claims

Stipulation of Dismissal of State Supplemental Claims

under this Civil Action. On September 23, 2013, the federal government and the relators filed a Joint Stipulated Partial Dismissal of this Civil Action with the Court. The plaintiff states of Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Maryland, Michigan, Minnesota, Montana, Nevada, New Hampshire, New Jersey, New Mexico, Oklahoma, Rhode Island, Texas and Wisconsin ("Settling States") have entered into separate settlement agreements ("State Settlement Agreements") with defendant Medtronic to settle state supplemental claims associated with this Civil Action.¹ Pursuant to the terms and conditions of the State Settlement Agreements, or by consent, the States, the District of Columbia, and Relators stipulate to the following:

- 1) The Relators dismiss with prejudice their supplemental claims under the various state *qui tam* statutes pled in this Civil Action as to Medtronic;
- 2) The Settling States dismiss with prejudice their claims as to the Covered Conduct as defined in the State Settlement Agreements; and
- 3) The States and the District of Columbia dismiss without prejudice all of their other claims in this Civil Action.

Respectfully submitted,

GREG ABBOTT
Attorney General of Texas

DANIEL T. HODGE
First Assistant Attorney General

¹ Relators agreed to the language and settlement amounts set forth in the State Settlement Agreements as evidenced by a Side Letter Agreement executed by Relators and the National Association of Medicaid Fraud Control Units Medtronic State Team Lead, Ohio Principal Attorney Drew Duffy.

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CERTIFICATE OF CONFERENCE

I hereby certify that my office contacted counsel for relators regarding this pleading. Relators concur with the relief requested and authorize the State of Texas to sign this pleading on their behalf.



Mark Coffee
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Assistant Attorney General